

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**COURTROOM PROCEEDINGS**

The court met in its courtroom at 10:00 A.M. Present: Honorable Steven M. Vartabedian, Acting Presiding Justice; Honorable Dennis A. Cornell, Associate Justice; Honorable Gene M. Gomes, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Anthony Lauria, Senior Deputy Clerk.

**F041119      Kern Cardiology Medical Group, Inc. v. Bakersfield Family Medical/Heritage Physician Network**

Cause called and argued by George F. Martin, Esq., counsel for appellant and by Steven A. Hirsch, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable Steven M. Vartabedian, Acting Presiding Justice; Honorable Timothy S. Buckley, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Joe G. Lopez, Senior Deputy Clerk.

**F041552      Luckey v. WCAB; State of California, Dept. of Youth Authority**

Parties stipulate that (1) Dibiaso, J., the absent assigned justice, may participate in the determination of this appeal, and (2) Dibiaso, J. to listen to the recording of oral proceedings upon his return.

Cause called and argued by Michael S. Geller, Esq., counsel for petitioner and by David M. Goi, Esq., counsel for respondent State of California et al. Neil P. Sullivan, Esq., counsel for respondent WCAB waived oral argument.

Submission deferred until September 15, 2003, at 5:00 p.m. for Dibiaso, J. to listen to the recording of oral argument.

At this point Vartabedian, Acting P.J. directs Buckley, J. to act as Presiding Justice in his absence and leaves the bench; he is replaced by Levy, J. and Cornell, J.

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**F042518      DG Power, Inc., et al. v. The Superior Court of Fresno County; United Technologies Corp.**

Cause called and argued by Timothy J. Buchanan, Esq., counsel for petitioner and by Bart M. Kessel, Esq., counsel for real party.

Cause ordered submitted.

Court recessed until Friday, September 12, 2003 at 1:30 P.M.

**F041977      In re Antowine S., a Minor**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F041977      In re Antowine S., a Minor**

The judgment is affirmed with modifications.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F042415      In re Andres S., a Minor**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F042415      In re Andres S., a Minor**  
The judgment is affirmed.  
By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F042956      Asbestos Services, Inc. v. Nelson et al.**  
**F042961      Asbestos Services, Inc. v. Nelson**

Pursuant to written stipulation of the parties hereto, IT IS  
HEREBY ORDERED that the appeal in the above-entitled action is  
dismissed.

**F043277      S. G., v. The Superior Court Of Kern County, Kern County Department of  
Human Services**

The petition for extraordinary writ is denied. This opinion is final  
forthwith as to this court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F041946      People v. Jones**

Counsel having failed to request oral argument in the above-  
entitled case, oral argument is deemed waived in accordance with the  
provisions of a notice heretofore mailed to counsel and the cause is  
submitted.

IN THE  
Court of Appeal of the State of California

IN AND FOR THE  
Fifth Appellate District

**F041946      People v. Jones**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F040970      Seven Oaks Homeowners Association, Inc. v. Abureyaleh**

1) Appellant's appeal of the judgment of dismissal is dismissed as untimely. 2) The order awarding attorney fees is affirmed. 3) Respondent's motion to strike Exhibit A from appellant's opening brief is granted. 4) Sanctions are imposed on appellant and its attorney, jointly and severally, in the amount of \$2,250 payable to respondent and \$500 payable to the clerk of this court. The clerk of this court is directed to deposit said sums in the general fund. All sanctions shall be paid no later than 15 days after the date remittitur is filed. Attorney Michael T. Whittington and the clerk of this court are each ordered to forward a copy of this opinion to the State Bar upon return of the remittitur. [Citation] Costs to Respondent.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F039995      People v. Laxon**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F039995      People .v Laxon**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]